

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

AIR BRAKE SYSTEMS, INC.

Plaintiff,

v.

Case Number 06-14148-BC
Honorable Thomas L. Ludington

TUV RHEINLAND OF NORTH
AMERICA, INC., and SERGE REDING,

Defendants.

_____ /

**ORDER GRANTING PLAINTIFF'S MOTION TO DISMISS DEFENDANT REDING
AND DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTIONS FOR LEAVE TO
AMEND/SUPPLEMENT COMPLAINT**

Presently before the Court is the plaintiff's motion to dismiss defendant Serge Reding from this action and motions for leave to amend/supplement its complaint. The Court heard oral argument in open court on February 15, 2007. At the conclusion of the hearing, the Court denied without prejudice the plaintiff's motion to amend. In his moving papers, the plaintiff failed to provide a copy of a draft amended complaint. As a result, neither this Court nor the defendant were privy to the factual allegations or the legal basis of an additional count for breach of a non-disclosure agreement the plaintiff now seeks to add. The Court extended the plaintiff an opportunity to file another motion to amend that includes a proposed amended complaint for the Court and the defendant's consideration. The Court, however, granted the plaintiff's motion to dismiss Serge Reding as a party defendant in light of the parties' agreement on that point.

Accordingly, it is **ORDERED** that the plaintiff's motions for leave to amend/supplement its complaint [dkt #s 9, 10] are **DENIED WITHOUT PREJUDICE**. The plaintiff may file another motion for leave to amend to include a proposed amended complaint on or before **March 16, 2007**.

It is further **ORDERED** that plaintiff's motion to dismiss Serge Reding [dkt # 8] is **GRANTED**.

It is further **ORDERED** that Serge Reding is **DISMISSED** from this action. The Clerk is directed to terminate his name on the electronic docket.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 15, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 15, 2007.

s/Tracy A. Jacobs
TRACY A. JACOBS